

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

QUINTA SANDERS)
)
 Plaintiff,)
)
 v.)
)
 MISSISSIPPI COUNTY, MISSOURI,) Case No. 1:18-CV-00269-ACL
 CITY OF CHARLESTON, MISSOURI,)
 CORY HUTCHESON, SALLY YANEZ,)
 RYAN HILL, JOE ROSS,)
 JOSH MALDONADO,)
 DECOTA MCGLOTHLIN,)
 FAITH ALTAMIRANO,)
 ROBERT HEARNES,)
 CURTIS ARNOLD,)
 ZACHARY MATNEY, and)
 AUSTIN HENSON)
)
 Defendants.)

**JOINT MOTION OF PLAINTIFF QUINTA SANDERS AND DEFENDANTS CITY OF
CHARLESTON, MISSOURI, ROBERT HEARNES, CURTIS ARNOLD, ZACHARY
MATNEY, AND AUSTIN HENSON FOR THE COURT TO DECLARE THAT
DOCUMENTS ARE CLOSED RECORDS UNDER MO. REV. STAT.
§ 610.021(1) (2016) AND FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Plaintiff Quinta Sanders (“Plaintiff”) and Defendants City of Charleston, Missouri, Robert Hearnes, Curtis Arnold, Zachary Matney, and Austin Henson (collectively referred to hereinafter as the “City of Charleston Defendants”), by and through counsel, for their Joint Motion for the Court to Declare that Documents are Closed Records Under Mo. Rev. Stat. § 610.021(1) (2016) and for Leave to File Documents Under Seal, state as follows:

1. Plaintiff, individually, as the representative of the Class 1 beneficiaries under the Missouri Wrongful Death Statute, Mo. Rev. Stat. §537.080 (2016), and as an heir and beneficiary of Tory D. Sanders, deceased, is asserting claims for damages against the City of

Charleston Defendants and other defendants arising out of the injuries to and death of Tory D. Sanders, deceased, at the Mississippi County Detention Center on May 5, 2017.

2. The City of Charleston Defendants have denied, and continue to deny, the allegations and claims asserted against them in this action, but the City of Charleston Defendants and Plaintiff have agreed to settle Plaintiff's claims, subject to the Court's approval of the settlement.

3. Pursuant to Mo. Rev. Stat. § 537.095 (2016), the Court must approve the settlement and the distribution of the settlement proceeds, which will require the City of Charleston Defendants and Plaintiff to file various pleadings and documents with the Court that contain confidential financial information regarding the distribution of the settlement proceeds and information about the heirs and beneficiaries of Tony D. Sanders, deceased, which includes information regarding his minor children.

4. The Court previously found that the "disclosure [of the confidential financial information regarding the distribution of the settlement proceeds and the information about the heirs and beneficiaries of Tony D. Sanders, deceased, which includes information regarding his minor children] would have an adverse impact on Plaintiff, the decedent's wife, and the decedent's minor children which clearly outweighs the public policy considerations of Mo. Rev. Stat. § 610.011..." and, therefore, the Court ordered that a letter filed under seal containing the aforementioned information be declared a closed record under Mo. Rev. Stat. § 610.021(1) (2016). [Doc. No. 74- Second Amended Order at p. 2]

5. Pursuant to E.D.Mo. L.R. 13.05, "[u]pon a showing of good cause, the Court may order that documents filed in a civil case be received and maintained by the Clerk under seal."

6. Plaintiff and the City of Charleston Defendants respectfully request that the Court enter a written Order declaring that the settlement pleadings and documents listed below are closed records under Mo. Rev. Stat. § 610.021(1) (2016) because the settlement pleadings and documents contain confidential financial information regarding the distribution of the settlement proceeds and information about the heirs and beneficiaries of Tony D. Sanders, deceased, which includes information regarding his minor children, and the disclosure of the settlement pleadings and documents would have an adverse impact on Plaintiff, the decedent's wife, and the decedent's minor children, which clearly outweighs the public policy considerations of Mo. Rev. Stat. § 610.011 (2016). Plaintiff and the City of Charleston Defendant also respectfully request that the Court enter a written Order granting them leave to file the following settlement pleadings and documents under seal because the pleadings and documents contain confidential financial information regarding the distribution of the settlement proceeds and information about the heirs and beneficiaries of Tony D. Sanders, deceased, which includes information regarding his minor children:

- a. Joint Application for Approval of the Settlement for the Injuries To and Death of Tory D. Sanders, Deceased, with the City of Charleston, Missouri, Robert Hearnes, Curtis Arnold, Zachary Matney, and Austin Henson Only and to Distribute the Settlement Proceeds to the Heirs and Beneficiaries of Tory D. Sanders, Deceased, and the following exhibits thereto:
 - i. Exhibit A- List of Funeral Expenses;
 - ii. Exhibit B- Contracts for Employment of Plaintiff's Attorneys; and
 - iii. Exhibit C- The unsigned Confidential General and Full Releases of All Claims for the Injuries to and Death of Tory D. Sanders, Deceased Against Robert Hearnes, Curtis Arnold, Zachary Matney, Austin Henson, and the City of Charleston, Missouri Only.

- iv. Exhibit D- Proposed Order Under Mo. Rev. Stat. § 537.095 (2016) Approving the Settlement for the Injuries To and Death of Tory D. Sanders, Deceased, Between the Heirs and Beneficiaries of Tory D. Sanders, Deceased, and Defendants City of Charleston, Missouri, Robert Hearnes, Curtis Arnold, Zachary Matney, and Austin Henson Only and the Collection and Distribution of the Settlement Proceeds to the Heirs and Beneficiaries of Tory D. Sanders, Deceased.
- b. The fully executed receipts signed by each of the heirs and beneficiaries of Tory D. Sanders, deceased, that demonstrate that each of them received their proper distribution of the settlement proceeds as ordered by the Court.
- c. The fully executed receipts signed by each of Plaintiff's attorneys that demonstrate that each of them received their proper distribution of the settlement proceeds as ordered by the Court.

7. This request is being made in a good faith effort to maintain the confidentiality of the financial information regarding the distribution of the settlement proceeds and the information about the heirs and beneficiaries of Tony D. Sanders, deceased, which includes information regarding his minor children, and not for any improper purpose.

WHEREFORE, Plaintiff and the City of Charleston Defendants respectfully request that the Court enter a written Order declaring that the aforementioned settlement pleadings and documents are closed records under Mo. Rev. Stat. § 610.021(1) (2016), granting leave to file the aforementioned settlement pleadings and documents under seal, and granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the attorney whose name appears above signed the original of this pleading and that true and correct copy of the foregoing was filed with the Clerk of the Court to be served by the operation of the Court's electronic filing system and sent via First Class U.S. Mail this 1st day of April, 2021 to:

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